

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JUN LI,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 06-596-KAJ
v.	:	
	:	
MICHAEL CHERTOFF, Secretary of the	:	
Department of Homeland Security, EMILIO	:	
T. GONZALEZ, Director of U.S.	:	
Citizenship & Immigration Services	:	
(USCIS); PAUL E. NOVAK, JR., Vermont	:	
Service Center Director, U.S. Citizenship &	:	
Immigration Services; ROBERT S.	:	
MUELLER, Director of Federal Bureau of	:	
Investigation,	:	
	:	
Defendants.	:	

MOTION TO DISMISS

Defendants, through their undersigned counsel, respectfully move, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), to dismiss Plaintiff's Complaint. In support of this Motion, the Court is respectfully referred to the accompanying Memorandum of Points and Authorities. A proposed Order consistent with this Motion is attached hereto.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

/s/ Seth M. Beausang
Seth M. Beausang (I.D. No. #4071)
Assistant United States Attorney
1007 N. Orange Street, Suite 700
Wilmington, Delaware 19801
(302) 573-6277

Dated: December 11, 2006.

CERTIFICATE OF SERVICE

I, Seth M. Beausang, hereby attest under penalty of perjury that on this 11th day of December, 2006, I caused two copies of Defendants' Motion to Dismiss, Memorandum of Points and Authorities in Support Thereof, and Proposed Order to be served on the Plaintiff by First Class Mail at the following address:

Jun Li
18 Marvin Drive
Apartment C-3
Newark, DE 19713
(302) 737-5313
pro se

/s/ Seth M. Beausang
Seth M. Beausang (DE I.D. No. 4071)

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MUELLER, Director of Federal Bureau of	:	
Investigation,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this ____ day of _____, 2006, upon consideration of Defendants' Motion to Dismiss, and all papers filed in support thereof and opposition thereto, it is ORDERED that Plaintiff's Complaint is dismissed with prejudice.

United States District Judge